



# MIAMI BEACH

LTC # **156-2013**

RECEIVED  
LETTER TO COMMISSION  
2013 MAY -1 PM 2:19

CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 29, 2013

SUBJECT: Noise Report: Q4-2012 (October - December 2012)

This Letter to Commission (LTC) provides the October through December 2012 (Q4-2012) quarterly report on the Noise enforcement efforts by the Building Department's Code Compliance Division (Code). The report is compiled in accordance with the City's 2008 Administrative Guidelines. As in previous reports, the collected data is presented in a table format (Attachment A), and commercial noise data is further detailed in a similar layout (Attachment B).

## I. Summary

During Q4-2012 (October through December 2012) there were a total of 1,096 cases opened and entered into Permits Plus, the database utilized by Code Compliance to track its cases. Of the 1,096 cases:

- Thirty-five (35) cases were canceled by the complainant,
- Thirteen (13) cases were voided due to error,
- Four (4) cases were deemed to be duplicate complaints
- Four (4) cases were referred to the Miami Beach Police Department, and
- Four (4) cases were not applicable to Code.

As a result, the total number of cases with a valid or non-valid disposition was **1,036**. Of these, 732 cases (70.7%) took place at a residential location; 207 (20.0%) were identified to have taken place at a commercial property; and 97 (9.4%) took place in public property ("Other").

Consistent with previous years, the majority of complaints received are from noise violations that take place in residential properties. Further, a historical analysis reflects an increase of noise-related cases from Quarter 3 to Quarter 4. This increase in noise-related cases is in direct correlation to an increase of events and festivities that take place on the City as a result of the holiday season.

Certainly one of the key parameters in the analysis is the validity rate. Of the **1,036 cases** with a disposition, a total of 279 were deemed valid, for an overall **26.9% validity rate** for the rating period. A determination that a noise case is not valid is by no means declaring that the noise did not occur. In order for a noise violation to be "valid" it must be witnessed by the Code Compliance Officer (CCO). There are many factors that may impact the validity of a noise complaint which include but are not limited to time of day the noise occurred, the ability of the officer to either identify or gain access to the location from where the complainant is experiencing the noise, noise level of the surrounding environment, direction of the wind, air density due to weather conditions, frivolous calls, and response time.

The table provides the breakdown by noise type for Q4-2012.

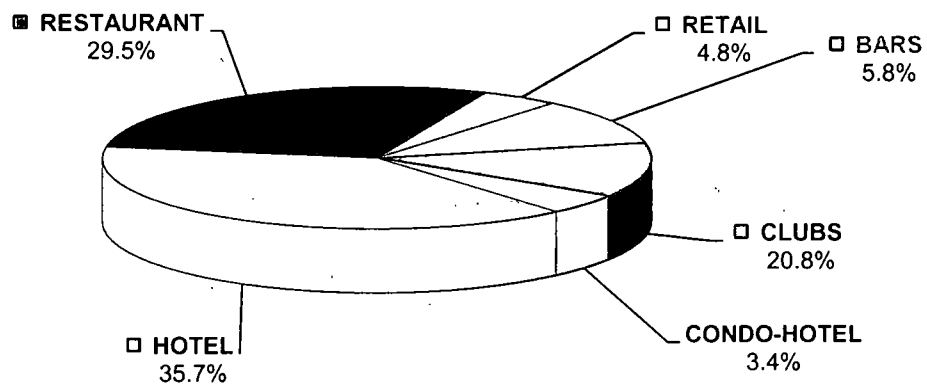
BREAKDOWN OF CASES BY TYPE		
COMMERCIAL	207	19.98%
RESIDENTIAL	732	70.66%
OTHER	97	9.36%

Consistent with previous reports, more than one third of the residential cases take place in "Apartments" (39.1%); while cases opened for noise in Condominiums and Single-Family homes respectively accounted for 16.8% and 14.8% of all received complaints.

## **II. Commercial Noise Cases**

Analysis of the 207 cases identified to have taken place on commercially zoned areas reflects that the highest number of commercial cases opened were for hotels (74 cases – 35.7%), followed by 61 cases (29.5%) opened for noise occurring in a restaurant, and 43 cases taking place in Clubs (20.8%). The remaining breakdown is reflected below.

**Commercial Cases (Q4-2012)**  
By Establishment Type



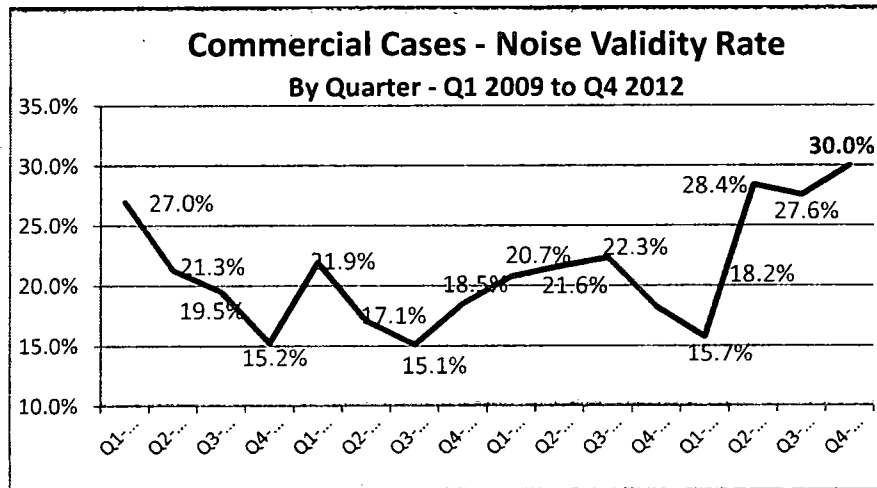
The valid closure rates for Q4 reflect the following:

- During the reporting period, of the 207 commercial cases, 62 cases (30%) were closed as valid.
- Within commercial establishments, the percentage of cases closed as valid varied as follows:
  - 22 cases (35.5% of the valids, and 10.6% overall), took place at restaurants,
  - 20 cases (32.3% of the valids, and 9.7% overall) took place at hotels,
  - 11 cases (17.7% of the valids, and 5.3% overall) took place at clubs,
  - 5 cases (8.1% of the valids, and 2.4% overall) took place at bars,
  - 3 cases (4.8% of the valids, and 1.4% overall) took place at retail stores, and
  - 1 case (1.6% of the valids, and .5% overall), took place at condo-hotels.

### **A. Validity Rates**

A trend analysis of the noise validity rates for commercial cases reveals a pattern of increase, particularly in the past three (3) quarters. The analysis, going back to Q1-2009, reflects that in the last three (3) quarters the noise validity rate was above 27% for commercial cases.

It is also important to note that the validity rates include data from the Miami Beach Police Department (PD), who also respond to noise complaints. The validity rate for noise cases answered by PD is less than 1% (1 valid complaint out of 114 cases). If the data from PD is backed out of the equation, the validity rate for noise cases responded to by Code increases to higher than 30%.



## B. Type of Noise - Commercial Cases

Consistent with previous reports, Attachment B reflects that, of the 207 commercial noise-related cases, loud music is again the most common type of noise reported with 171 cases (82.6%). Further analysis reflects that, the type of noise reported for the remaining commercial cases include 30 (14.5%) for "construction noise", followed by "honking cars / alarms" (3 cases, 1.4%), "live entertainment" (1 case, .5%), "barking dog" (1 case, .5%), and "crowd noise" (1 case, .5%).

## C. Time/Day of Week of Commercial Noise Occurring

An analysis of the time the violation occurred reflects a change in previous trend. Whereas in the past the time of complaint (11 PM through 7 AM versus 7 AM through 11 PM) was relatively evenly distributed with a nearly 50-50 distribution between the Evening Shift and the Day Shift, the current rating period reflects a shift of commercial noise complaints, with a significant increase of the number of commercial noise cases during the evening (11 PM through 7 AM - 134 cases 64.7%) when compared to the number of commercial cases during the Morning / Afternoon Shift (73 cases - 35.3% - 7AM to 11 PM). It is difficult to gauge whether this shift is an anomaly or a permanent shift in the time commercial noise complaints are addressed.

As it relates to the day of the week the noise case was opened, this pattern remains unchanged. Without a doubt, the highest number of cases were opened for noise taking place on the weekends (Fridays and Saturdays), with 43% of all the cases addressed during this two day period; and 54.6% if Sundays are included. As in previous reports, the busiest day of the week (in regard to noise-related cases) is Saturday, accounting for 23.7% of all the cases, followed by Friday (19.3%).

## D. Arrival Time

For nearly a year now, response time for noise violations has been one of the key indicators used to gauge the performance of Code. Data analysis on "arrival time" reflects the time from when a call was received by Dispatch to the time the assigned CCO arrives to the location of the complaint. For commercial cases, the "time to arrive" (hh:ss) averaged 20:08 minutes for all cases; with an aggregate average of 21:01 minutes for valid cases and 19:46 for non-valid noise

complaints. With these cases, there appears to be little correlation in the response time with respect to validity of the complaint. The average time for CCO arrival is provided below, including residential and "other" cases (identified to have taken place within the public right of way) as a basis for comparison.

Average Time for Code Officer to Arrive (Q4-2012)					
Number of Cases*	Establishment Type	Average Time to Officer's Arrival	Status	Number of Cases*	Average Time from Call Received by Dispatch to Code Officer's Arrival*
892	Residential	0:24:48	VALID	182	0:25:43
			NON-VALID	464	0:24:26
	Commercial	0:20:08	VALID	50	0:21:01
			NON-VALID	117	0:19:46
	Other	0:22:36	VALID	16	0:19:11
			NON-VALID	63	0:23:28
	All Cases	0:23:44	VALID	248	0:24:21
			NON-VALID	644	0:23:30

\*Average Time Calculated using only those cases with valid time data for both "Time Call Received by Dispatch" and "Time of Arrival by Code Compliance Officer"

### **III. Major Events / Special Events**

During the reporting period, there were several special events, including Art Basel – Miami Beach, and New Year's Eve. However, there were no significant noise violations outside the expected scope of complaints.

### **IV. Noise Ordinance Exemptions**

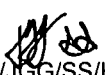
During the rating period, there were no Noise Ordinance Exemptions.

### **V. Coverage for Noise Violations**

When Code is not operating and unavailable to respond to noise complaints, the Miami Beach Police Department (PD) responds. On Mondays through Wednesdays, Code Compliance operates from 6:00 AM through 1:00 AM; and on Thursdays and Sundays, Code operates from 6:00 AM through 3:00 AM. (Code provides 24 hour coverage on Fridays and Saturdays, the two busiest days of the week.

According to the data collected, during those times that Code did not operate, during this rating period, the Miami Beach Police Department responded to 114 noise complaints, of which one (1) was deemed valid. Thus, during the rating period, the validity rate for PD was .88%.

If the PD calls are backed out of the total number of noise complaints, the overall validity rate for Code would increase to 30.2%.

  
JLM/JGG/SS/HC/RSA

### **Attachments**

Attachment A - Noise Data / Q4-2012  
Attachment B – Commercial Noise Cases / Q4-2012



**ATTACHMENT A**

**ALL CASES**  
Noise Data 10/01/2012 - 12/31/2012 (Q4-2012)

**Total Number of Noise Complaint Cases Opened/Calls Received**

Total Cases Opened	Less Voided, Canceled, Duplicate Complaints, Complaints not Applicable to Code Compliance	Total with Dispositions	Code or PD Initiated (Proactive)	Complaint Calls Received
1,096	60	1,036	14	1,022

\*Voided cases are cases that were entered in error, etc.

\*\*Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

**Valid Violation Breakdown**

Verbal	19	6.6%
Written Warning	207	74.2%
Violation	53	19.0%
<b>Total Valid Cases</b>	<b>279</b>	<b>100%</b>

**Noise Cases by Type of Establishment**

	Total Cases		Valid		Non-Valid	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Residential	732	70.66%	197	26.9%	535	73.1%
Commercial	207	19.98%	62	30.0%	145	70.0%
Other	97	9.36%	20	20.6%	77	79.4%
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>279</b>	<b>26.9%</b>	<b>757</b>	<b>73.1%</b>

Residential = Apt, Condo, Single Family

Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com

Other = Bandshell, Beach, Public Property, etc..

	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	405	39.1%	93	9.0%	312	30.1%
BAR	12	1.2%	5	0.6%	7	0.7%
CLUBS	43	4.2%	11	1.1%	32	3.1%
CONDO	174	16.8%	42	4.1%	132	12.7%
CONDO-HOTEL	7	0.7%	1	0.1%	6	0.6%
HOME	153	14.8%	62	6.0%	91	8.8%
OTHER	97	9.4%	20	1.9%	77	7.4%
RESTAURANT	61	5.9%	22	2.1%	39	3.8%
RETAIL	10	1.0%	3	0.3%	7	0.7%
HOTEL	74	7.1%	20	1.9%	54	5.2%
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>279</b>	<b>26.9%</b>	<b>757</b>	<b>73.1%</b>

**Noise Cases by Noise Type**

Noise Type	TOTALS		Valid Cases		Non-valid Cases	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
LOUD MUSIC	748	72.2%	198	19.1%	550	53.1%
LIVE ENTERTAINMENT	1	0.1%	0	0.0%	1	0.1%
BARKING DOG	135	13.0%	37	3.6%	98	9.5%
CROWD NOISE	2	0.2%	1	0.1%	1	0.1%
CONSTRUCTION	130	12.5%	41	4.0%	89	8.6%
OTHER	0	0.0%	0	0.0%	0	0.0%
HONKING CARS/ALARMS	20	1.9%	2	0.2%	18	1.7%
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>279</b>	<b>26.9%</b>	<b>757</b>	<b>73.1%</b>

**Disposition of All Noise Cases**

Type	#
<b>Total Cases</b>	<b>1,096</b>
Canceled**	35
Voided*	13
Duplicate Complaint	4
Not Applicable to Code	4
Referred to PD	4
<b>Total Valid and Non-Valid Cases</b>	<b>1,036</b>
Valid Cases	279
Non-valid Cases	757



# Call Time of Day / Day of Week

## ALL CASES (VALID AND NON-VALID)

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	155	15.0%	77	7.4%	78	7.5%
Tuesday	117	11.3%	54	5.2%	63	6.1%
Wednesday	115	11.1%	56	5.4%	59	5.7%
Thursday	134	12.9%	74	7.1%	60	5.8%
Friday	156	15.1%	66	6.4%	90	8.7%
Saturday	219	21.1%	124	12.0%	95	9.2%
Sunday	140	13.5%	98	9.5%	42	4.1%
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>549</b>	<b>53.0%</b>	<b>487</b>	<b>47.0%</b>

## VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	47	16.8%	22	7.9%	25	9.0%
Tuesday	20	7.2%	11	3.9%	9	3.2%
Wednesday	16	5.7%	8	2.9%	8	2.9%
Thursday	31	11.1%	15	5.4%	16	5.7%
Friday	50	17.9%	23	8.2%	27	9.7%
Saturday	76	27.2%	51	18.3%	25	9.0%
Sunday	39	14.0%	26	9.3%	13	4.7%
<b>Totals</b>	<b>279</b>	<b>100%</b>	<b>156</b>	<b>55.9%</b>	<b>123</b>	<b>44.1%</b>

## NON-VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	108	14.3%	55	7.3%	53	7.0%
Tuesday	97	12.8%	43	5.7%	54	7.1%
Wednesday	99	13.1%	48	6.3%	51	6.7%
Thursday	103	13.6%	59	7.8%	44	5.8%
Friday	106	14.0%	43	5.7%	63	8.3%
Saturday	143	18.9%	73	9.6%	70	9.2%
Sunday	101	13.3%	72	9.5%	29	3.8%
<b>Totals</b>	<b>757</b>	<b>100%</b>	<b>393</b>	<b>51.9%</b>	<b>364</b>	<b>48.1%</b>

# Call Time of Day - Residential vs Commercial

	Total		7a - 11p		11p - 7a (of the following morning)	
RESIDENTIAL	732	70.7%	405	39.1%	327	31.6%
COMMERCIAL	207	20.0%	73	7.0%	134	12.9%
OTHER	97	9.4%	71	6.9%	26	2.5%
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>549</b>	<b>53.0%</b>	<b>487</b>	<b>47.0%</b>

# Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
<b>Totals</b>	<b>1,036</b>	<b>100%</b>	<b>279</b>	<b>26.9%</b>	<b>757</b>	<b>73.1%</b>
Anonymous Complainant	771	74.4%	190	18.3%	581	56.1%
Anonymous with Contact made	29	2.8%	7	0.7%	22	2.1%
Contact Information Provided	222	21.4%	70	6.8%	152	14.7%
Internal	14	1.4%	12	1.2%	2	0.2%



**ATTACHMENT B**

**COMMERCIAL NOISE CASES**  
**Noise Data 10/01/2012 - 12/31/2012 (Q4-2012)**

**Total Number of Noise Complaint Calls Received**

Total Cases (Valid and Non-valid only)	Less Code or PD Initiated (Proactive)	Complaint Calls Received
<b>207</b>	<b>7</b>	<b>200</b>

**Disposition of All Noise Cases**

Type	#	%
Valid Cases	<b>62</b>	<b>30.0%</b>
Non-valid Cases	<b>145</b>	<b>70.0%</b>
<b>Total Valid and Non-Valid Cases =</b>	<b>207</b>	<b>100%</b>

*Total Valid and Non-Valid Cases =*

**Valid Violation Breakdown**

Verbal	8	12.9%
Written Warning	32	51.6%
Violation	22	35.5%
<b>Total Valid Cases</b>	<b>62</b>	<b>100%</b>

**Noise Cases by Type of Establishment**

Location Type	Totals	% of Commercial Cases (By Establishment Type)	Valid		Non-Valid	
BAR	12	5.8%	5	2.4%	7	3.4%
CLUBS	43	20.8%	11	5.3%	32	15.5%
CONDO-HOTEL	7	3.4%	1	0.5%	6	2.9%
RESTAURANT	61	29.5%	22	10.6%	39	18.8%
RETAIL	10	4.8%	3	1.4%	7	3.4%
HOTEL	74	35.7%	20	9.7%	54	26.1%
<b>Total</b>	<b>207</b>	<b>100%</b>	<b>62</b>	<b>30.0%</b>	<b>145</b>	<b>70.0%</b>

**Noise Cases by Noise Type**

Noise Type	Totals	% of Commercial Cases (By Type of Noise)	Valid		Non-valid	
LOUD MUSIC	171	82.6%	53	25.6%	118	57.0%
LIVE ENTERTAINMENT	1	0.5%	0	0.0%	1	1.6%
BARKING DOG	1	0.5%	0	0.0%	1	0.5%
CROWD NOISE	1	0.5%	1	0.5%	0	0.0%
CONSTRUCTION	30	14.5%	8	3.9%	22	10.6%
OTHER	0	0.0%	0	0.0%	0	0.0%
HONKING CARS/ALARMS	3	1.4%	0	0.0%	3	1.4%
<b>Totals</b>	<b>207</b>	<b>100%</b>	<b>62</b>	<b>30.0%</b>	<b>145</b>	<b>70.0%</b>



# Time of Day / Day of Week of Call

## ALL CASES (VALID AND NON-VALID)

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	23	11.1%	5	2.4%	18	8.7%
Tuesday	21	10.1%	5	2.4%	16	7.7%
Wednesday	24	11.6%	5	2.4%	19	9.2%
Thursday	26	12.6%	10	4.8%	16	7.7%
Friday	40	19.3%	9	4.3%	31	15.0%
Saturday	49	23.7%	24	11.6%	25	12.1%
Sunday	24	11.6%	15	7.2%	9	4.3%
<b>Totals</b>	<b>207</b>	<b>100.0%</b>	<b>73</b>	<b>35.3%</b>	<b>134</b>	<b>64.7%</b>

## VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	8	12.9%	1	1.6%	7	11.3%
Tuesday	6	9.7%	2	3.2%	4	6.5%
Wednesday	3	4.8%	0	0.0%	3	4.8%
Thursday	9	14.5%	3	4.8%	6	9.7%
Friday	13	21.0%	4	6.5%	9	14.5%
Saturday	16	25.8%	7	11.3%	9	14.5%
Sunday	7	11.3%	4	6.5%	3	4.8%
<b>Totals</b>	<b>62</b>	<b>100.0%</b>	<b>21</b>	<b>34%</b>	<b>41</b>	<b>66%</b>

## NON-VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	15	10.3%	4	2.8%	11	7.6%
Tuesday	15	10.3%	3	2.1%	12	8.3%
Wednesday	21	14.5%	5	3.4%	16	11.0%
Thursday	17	11.7%	7	4.8%	10	6.9%
Friday	27	18.6%	5	3.4%	22	15.2%
Saturday	33	22.8%	17	11.7%	16	11.0%
Sunday	17	11.7%	11	7.6%	6	4.1%
<b>Totals</b>	<b>145</b>	<b>100%</b>	<b>52</b>	<b>36%</b>	<b>93</b>	<b>64%</b>

## Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Total Complaints	207	100%	62	30.0%	145	70.0%
Anonymous Complainant	155	74.9%	45	21.7%	110	53.1%
Anonymous with Contact made	4	1.9%	0	0.0%	4	1.9%
Contact Information Provided	41	19.8%	12	5.8%	29	14.0%
Internal (Proactive)	7	3.4%	5	2.4%	2	1.0%